

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

THERABODY, INC.

Plaintiff,

vs.

DAVID C. WALTON,

Defendant.

Case No. 3:23-cv-545-RCY

DEFENDANT’S MOTION TO DISMISS

Defendant David C. Walton (“Defendant”), by counsel, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, respectfully submits this motion to dismiss the Complaint filed by Plaintiff Therabody, Inc. (“Plaintiff”), in its entirety due to Plaintiff’s failure to state a claim for which relief can be granted. The grounds for this motion are fully detailed in the Memorandum in Support that is filed contemporaneously herewith.

WHEREFORE, Defendant respectfully requests that the Court grant this motion and dismiss Plaintiff’s Complaint with prejudice.

Dated: October 26, 2023.

Respectfully submitted,

DAVID C. WALTON

By Counsel:

/s/ Belinda D. Jones

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CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of October 2023, I will electronically file a copy of this document with the Clerk of Court using the CM/ECF system, which will then send notification of such filings (NEF) to the registered participants as identified on the NEF to receive electronic service.

/s/ Belinda D. Jones

Counsel